

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAINA McBURROWS, a minor, by her next
friend SHARON KELSO, and MARQUEE
ALLEN, a minor, by her next friend JEANENE
ROWE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

Case No. 2:09-cv-14863

vs.

Hon. Marianne O. Battani

DETROIT PUBLIC SCHOOLS,

Defendant.

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION TO CERTIFY A CLASS,
APPOINT CLASS COUNSEL, PRELIMINARILY APPROVE CLASS SETTLEMENT,
DIRECT CLASS NOTICE, AND SCHEDULE A FAIRNESS HEARING**

This is a putative class action lawsuit for injunctive relief. Plaintiffs are students who allege that Defendant Detroit Public Schools has an unconstitutional custom or policy of searching students and their personal effects such as backpacks and purses without reasonable suspicion that the student being searched has violated a law or school rule and that evidence of the violation will be found in the location to be searched. Defendant denies the allegations and continues to deny any wrongdoing.

At a status conference on August 19, 2010, the parties announced that they had arrived at an agreement to settle this matter. Because their settlement agreement calls for certification of a class and classwide injunctive relief, it is subject to this Court's approval according to the procedures of Rule 23(e) of the Federal Rules of Civil Procedure.

Now before the Court is Plaintiffs' motion to certify a class, appoint class counsel, preliminarily approve the class settlement, direct class notice, and schedule a fairness hearing. In support of their motion, Plaintiffs have incorporated by reference their previously filed brief in support of class certification, and they have submitted a copy of their settlement agreement with Defendant, a proposed consent judgment, and a proposed class notice. Plaintiffs have further indicated that counsel for both sides have discussed the contents of the motion and Defendant will not oppose it.

Having reviewed Plaintiffs' submissions, and based on its "familiarity with the issues, the results of discovery, and the character of the negotiations prior to the entry of the decree," *Williams v. Vukovich*, 720 F.2d 909, 921 (6th Cir. 1983), the Court concludes that their motion is due to be granted.

Accordingly, it is **ORDERED** as follows:

1. Plaintiffs' unopposed motion to certify a class, appoint class counsel, preliminarily approve class settlement, direct class notice, and schedule a fairness hearing (Dkt. # 44) is **GRANTED**.
2. Plaintiffs' motion for class certification (Dkt. # 22) is **GRANTED**.
3. A class consisting of all current and future students in the Detroit Public Schools is **CERTIFIED** for injunctive and declaratory relief and for settlement purposes only.
4. Michael J. Steinberg, Mark P. Fancher, Daniel S. Korobkin, and Amos E. Williams are **APPOINTED** class counsel.
5. Class settlement as proposed by the parties is **PRELIMINARILY APPROVED**.
6. Class notice as proposed by the parties is **APPROVED**, and the parties are **DIRECTED** to serve class notice no later than September 30, 2010.

7. The Clerk of the Court is **DIRECTED** to promptly e-file any written objections to the proposed settlement and to make appropriate redactions required by Fed. R. Civ. P. 5.2(a).
8. The proposed class settlement is set for **HEARING** on November 1, 2010, at 3:30 p.m. in Courtroom 272 of the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, Michigan.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: September 14, 2010